

**FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT**



**U.S. Department of Energy
Idaho Operations Office**

University Reactor Instrumentation (URI)

Funding Opportunity Number: DE-PS07-06ID14718

Announcement Type: Initial Solicitation

CFDA Number: 81.114

ISSUE DATE: 10/04/05

Letter of Intent Due Date: Not Applicable

Pre-Application Due Date: Not Applicable

Application Due Date: 12/07/05

NOTE: NEW REQUIREMENTS FOR GRANTS.GOV

Where to Submit: Applications must be submitted through Grants.gov to be considered for award.

Registration Requirements: There are several one-time actions you must complete in order to submit an application through Grants.gov (e.g., obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number, register with the Central Contract Registry (CCR), register with the credential provider, and register with Grants.gov). See <http://www.grants.gov/GetStarted>. Use the Grants.gov Organization Registration Checklist at <http://www.grants.gov/assets/OrganizationRegCheck.doc> to guide you through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in the CCR registration process. Applicants, who are not registered with CCR and Grants.gov, should allow at least 14 days to complete these requirements. It is suggested that the process be started as soon as possible.

Questions: Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. Part VII of this announcement explains how to submit other questions to the Department of Energy (DOE).

Application Receipt Notices: After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four e-mails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. You will know that your application has reached DOE when the AOR receives email Number 4. You will need the Submission Receipt Number (email Number 1) to track a submission. The titles of the four e-mails are:

Number 1 - Grants.gov Submission Receipt Number

Number 2 - Grants.gov Submission Validation Receipt for Application Number

Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number

Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

VERY IMPORTANT – Download PureEdge Viewer: In order to download the application package, you will need to install PureEdge Viewer. This small, free program will allow you to access, complete, and submit applications electronically and securely. For a free version of the software, visit the following web site: <http://www.grants.gov/DownloadViewer>.

When submitting applications against this funding announcement all attached files must be in PDF format (ADOBE Portable Document Format).

Do not submit any files or letters of support that are not specifically required in this funding announcement. Any files or letters submitted outside the requirements will not be reviewed.

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PART I – FUNDING OPPORTUNITY DESCRIPTION

SUMMARY:

The Department of Energy (DOE) is soliciting applications from U.S. universities and colleges with operating research reactors for participation in the University Reactor Instrumentation (URI) program. The purpose of the URI program is to upgrade and improve the U.S. university nuclear research and training reactors and to strengthen the academic community's nuclear engineering infrastructure.

Applications for URI should be directed to the upgrade, purchase and/or maintain equipment and instrumentation for the universities training reactors, specifically: (1) related to the performance, control or operational capability of the reactor and/or facility, (2) for radiation detection and measurement in laboratories directly related to the reactor facility, (3) for security enhancements at the reactor facility required by NRC, the state, or other appropriate agency for that particular item. Applications for equipment and instrumentation that significantly improves or expands the research and training capabilities of the reactor facility will also be considered.

OBJECTIVES:

The URI program seeks to improve the nuclear infrastructure at U.S. universities and colleges through reactor upgrades, and to strengthen the academic communities nuclear engineering infrastructure. **The U.S. Department of Energy's Office of Nuclear Energy Science and Technology's University Programs is currently revising its long-term goals. Once complete, all awards will support these goals. DOE will include the long-term goals and performance data in the award documentation.**

BUDGET RESTRICTIONS:

Travel expenses will not be approved under the URI program, unless specifically required for the purchase or installation of equipment. The URI program is not intended to pay for the operation of the university's reactor and associated personnel costs. These costs are usually the responsibility of the university, not DOE.

Project performance periods and the budget period will be 12 months. For planning purposes, an anticipated start date of June 1, 2006 may be used.

RESTRICTIONS:

In the event that a definitive vote to shutdown or decommission the university's reactor is made by university or state officials during the program period, DOE reserves the right to de-obligate all unexpended funds immediately.

Only one URI proposal per institution will be accepted. The proposal should be prepared and/or coordinated with the university's reactor director.

PROPOSAL TITLE:

Beginning in fiscal year 2004, the DOE-Idaho Operations Office, who administer the grants, established a five-year project period for the URI awards. Universities that received funding in fiscal year 2004 (FY-04) should have their cover page clearly labeled, "Year 3 University

Reactor Instrumentation (URI) Program: Continuation of Financial Assistance Award, DE-FG07-04IDxxxxx, where the xxxxx represents the school's specific grant number that was issued in FY-04. Schools that did not receive an award in FY-04, but received one in FY-05, please label your cover page as "Year 2" and put the appropriate award number in the title.

PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT.

DOE anticipates awarding grants under this program announcement

B. ESTIMATED FUNDING.

Approximately \$900,000 is expected to be available for new awards under this announcement.

C. MAXIMUM AND MINIMUM AWARD SIZE.

- Ceiling (the maximum amount for an individual award made under this announcement): none
- Floor (the minimum amount for an individual award made under this announcement): none

D. EXPECTED NUMBER OF AWARDS.

DOE anticipates making approximately 20 awards under this announcement.

E. ANTICIPATED AWARD SIZE.

The average award size for this program in FY 2005 was \$40,000. DOE expects the average award size to be similar under this announcement.

F. PERIOD OF PERFORMANCE.

DOE anticipates making awards that will run for up to five years.

G. TYPE OF APPLICATION

DOE will accept new and renewal applications under this announcement. Renewal applications are requests for additional funding for a period subsequent to that provided by a current award. Renewal applications compete with all other applications and must be submitted by any established due date/deadline or at least six months before additional funding is required if there is no specified due date/deadline. In preparing a renewal application, applicants should assume that reviewers will not have access to previous applications. The application should be developed as fully as though the applicant were applying for the first time. The application must include all the information required for a new project, plus the project narrative section should discuss the results from prior work.

PART III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS.In accordance with 10 CFR 600.6(b), eligibility for award is restricted to U.S. colleges and universities having a duly licensed, operating nuclear research or training reactor that is not shutdown, in a standby condition, or in the decommissioning process. Non-university, state-operated research reactors are also eligible to apply.

B. COST SHARING

Cost sharing is not required.

C. OTHER ELIGIBILITY REQUIREMENTS.

None

PART IV – APPLICATION AND SUBMISSION INFORMATION

A. ADDRESS TO REQUEST APPLICATION PACKAGE.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this announcement and then follow the prompts to download the application package. **NOTE:** You will not be able to download the Application Package unless you have installed PureEdge Viewer (See: <http://www.grants.gov/DownloadViewer>).

B. LETTER OF INTENT AND PRE-APPLICATION.

1. Letter of Intent.

Letters of Intent are not required.

2. Pre-application.

Pre-applications are not required.

C. CONTENT AND FORM OF APPLICATION – SF 424

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL-Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. **Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.**

Important Notice – When submitting applications please ensure that:

- A. The Title of your project is entered as the title in the proper area – Please do not enter your Institutions name;**
- B. All attached files must be in PDF format;**
- C. Read all instructions to ensure that all requirements are attached correctly and in the proper format;**
- D. Please only load your proposal once.**

1. SF 424 - Application for Federal Assistance.

- Complete this form first to populate data in other forms. Complete all the required fields in accordance with the pop-up instructions on the form. To activate the instructions, turn on the “Help Mode” (Icon with the pointer and question mark at the top of the form). The list of certifications and assurances referenced in Field 18 can be found on the Applicant and Recipient Page at <http://grants.pr.doe.gov>.

2. Other Attachments Form:

- Submit the following files with your application and attach them to the Other Attachments Form. Click on “Add Mandatory Other Attachment” to attach the Project Narrative. Click on “Add Optional Other Attachment,” to attach the other files.

A. Project Narrative File. The project narrative must not exceed 10 pages, including charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5” by 11” paper with 1 inch margins (top, bottom, left, and right). EVALUATORS WILL REVIEW ONLY THE NUMBER OF PAGES SPECIFIED IN THE PRECEDING SENTENCE. The font must not be smaller than 11 point. Do not include any Internet addresses (URLs) that provide information necessary to review the application. See Part VIII.D for instructions on how to mark proprietary application information. Save the information in a single file named “Project.pdf,” and click on “Add Mandatory Other Attachment” to attach.

The project narrative must include:

- **Project Objectives.** This section should provide a clear, concise statement of the specific objectives/aims of the proposed project.
- **Merit Review Criterion Discussion.** The section should be formatted to address each of the merit review criterion and sub-criterion listed in Section V. A. Provide sufficient information so that reviewers will be able to evaluate the application in accordance with these merit review criteria. DOE/NNSA WILL EVALUATE AND CONSIDER ONLY THOSE APPLICATIONS THAT ADDRESS SEPARATELY EACH OF THE MERIT REVIEW CRITERION AND SUB-CRITERION.
- **Project Timetable:** This section should outline as a function of time, year by year, all the important activities or phases of the project, including any activities planned beyond the project period. Successful applicants must use this project timetable to report progress.
- **Evaluation Phase:** This section must include a plan and metrics to be used to assess the success of the project.
- **Facilities and Usage:** Brief information on each pertinent nuclear reactor and/or laboratory facilities and their usage. Such information should include the mission and role of each such reactor facility within the framework of that particularly university and possibly other universities. Such information should include information on (1) the number of students and faculty using the facility each year over the past five years, (2) the number of BS, MS, and PhD degrees supported by the facility over the past five years, and (3) a synopsis of services actually provided to academic department, universities, industry, and the U.S. government,

and when the reactor is scheduled for re-licensing with the Nuclear Regulatory Commission.

B. Project Summary/Abstract File.

The project summary/abstract must contain a summary of the proposed activity suitable for dissemination to the publication. It should be a self-contained document that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information as the Department may make it available to the public. **Do not include any reference or information on reactor security upgrades.** The project summary must not exceed 1 page when printed using standard 8.5" by 11" paper with 1" margins (top, bottom, left and right) with font not smaller than 11 point. Save this information in a file named "Summary.pdf," and click on "Add Optional Other Attachment" to attach.

C. SF 424 A Excel, Budget Information – Non-Construction Programs File

You must provide a separate budget for each year of support requested and a cumulative budget for the total project period. Use the SF 424 A Excel, "Budget Information – Non Construction Programs" form on the Applicant and Recipient Page at <http://grants.pr.doe.gov>. You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (See PART IV, G). Save the information in a single file named "SF424A.xls," and click on "Add Optional Other Attachment" to attach.

D. Budget Justification File.

Justify proposed Object Class Categories/Cost Classification costs (e.g., identify key persons and personnel categories and the estimated costs for each person or category; provide a list of equipment and cost of each item **in a ranked order of need beginning with your highest priority**; identify proposed subaward/consultant work and cost of each subaward/consultant; list general categories of supplies and amount for each category; and provide any other information you wish to support your budget). Provide the name of your cognizant/oversight agency, if you have one, and the name and phone number of the individual responsible for negotiating your indirect rates. If cost sharing is offered (it is not required for this solicitation), provide an explanation of the source, nature, amount and availability of any proposed cost sharing. Save this information in a file named "Budget Justification" and click on "Add Optional Other Attachment" to attach.

E. Certification/Assurance/Representation File.

You must complete and provide the "Certifications and Assurances for Use with SF 424" form on the Applicant and Recipient Page at <http://grants.pr.doe.gov>. Submission of an electronic application through Grants.gov constitutes the submission of a signed

document. Type the name of the person responsible for providing the certifications and assurances in the signature block and save as a pdf file. Do not submit a scanned copy of the form. Name the file “Certs.pdf,” and click on “Add Optional Other Attachment” to attach.

F. Biographical Sketch File.

Provide a biographical sketch for each key person proposed, including subawardees and consultants if they meet the definition of key person. A key person is any individual who contributes in a substantive, measurable way to the execution of the project. Save all biographical sketches in a single file named “bio.pdf” and click on “Add Optional Other Attachment” to attach. The biographical information for each person must not exceed 2 pages when printed on 8.5” by 11” paper with 1 inch margins (top, bottom, left, and right) with font not smaller than 11 point and must include:

- **Education and Training.** Undergraduate, graduate and postdoctoral training, provide institution, major/area, degree and year.
- **Professional Experience:** Beginning with the current position list, in chronological order, professional/academic positions with a brief description.
- **Publications.** Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically.

Patents, copyrights and software systems developed may be provided in addition to or substituted for publications.

- **Synergistic Activities.** List no more than 5 professional and scholarly activities related to the effort proposed.

G. Subaward File.

You must provide a separate budget (i.e., budget for each budget year and a cumulative budget) for each subawardee that is expected to perform work estimated to be more than \$100,000 or 50 percent of the total work effort (which ever is less). The subawardee budget should include the same Object Class Categories/Cost Classification, if applicable, listed on your budget form. Save each Subaward budget in a separate file. Use the subawardee’s organizational name (up to 10 letters) as the file name and click on “add optional other attachments” to attach. Save all letters of support in a single file named “sup.pdf” and click on “Add Optional Attachment” to attach.

H. Letters of Support:

Evidence of the academic institution’s commitment to the continued operation of the nuclear reactor program as demonstrated by letters of support from the university

administration; *Due to university reactors announcing decommissioning plans, an updated letter signed by a high-ranking university official (i.e. Vice-President) is strongly encouraged for the FY-06 application.* Save all letters of support in a single file named “sup.pdf” and click on “Add Optional Other Attachment” to attach.

Summary of Required Forms/Files

Your application must include the following documents:

Name of Document	Format	File Name
SF 424 - Application for Federal Assistance	PureEdge Form	N/A
Other Attachments Form: Attach the following files to this form:	PureEdge Form	N/A
Project Narrative File	PDF	Project.pdf
Project Summary/Abstract File	PDF	Summary.pdf
SF 424A Excel - Budget Information for Non-Construction Programs File	Excel	SF424A.xls
Budget Justification File	PDF	Budget.pdf
Certifications and Assurances for Use with SF 424 File	PDF	Certs.pdf
Biographical Sketch File	PDF	Bio.pdf
Subaward Budget File(s)	Excel	See Instructions
Letters of Support	PDF	Sup.pdf

I. SUBMISSIONS FROM SUCCESSFUL APPLICANTS.

Successful applicants must submit the information listed below not later than 20 calendars days after notification of selection. Applicants who fail to provide the information within the required time period may be eliminated from further consideration.

What to submit	Required Form or Format
<p><u>Designated Responsible Employee for complying with national policies prohibiting discrimination.</u> Provide organization name, project title, DOE application tracking number and the name, title, and phone number of Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5).</p>	<p>No special format.</p> <p>E-mail information to: Kathleen.Stallman@nuclear.energy.gov</p>

J. SUBMISSION DATES AND TIMES.

1. Pre-application Due Date.

Pre-applications are not required.

2. Application Due Date.

Applications must be received by December 7, 2005, not later than 8:00 PM Eastern Time. You are encouraged to transmit your application well before the deadline. APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.

K. INTERGOVERNMENTAL REVIEW.

This program is not subject to Executive Order 12372 – Intergovernmental Review of Federal Programs.

L. FUNDING RESTRICTIONS.

Cost Principles. Costs must be allowable in accordance with the applicable cost principles referenced in 10 CFR part 600.

Pre-award Costs. Recipients may charge to an award resulting from this announcement pre-award costs that were incurred within the ninety (90) calendar day period immediately preceding the effective date of the award, if such costs would be reimbursable under the agreement if incurred after the agreement is awarded. Recipients must obtain the prior approval of the contracting officer for any pre-award costs that are for periods greater than this 90 day calendar period.

Pre-award costs are incurred at the applicant's risk. DOE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected.

M. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

1. Where to Submit.

- **APPLICATIONS MUST BE SUBMITTED THROUGH GRANTS.GOV TO BE CONSIDERED FOR AWARD.** Submit electronic applications through the “Apply for Grants” function at www.Grants.gov. If you have problems completing the registration process or submitting your application, call Grants.gov at 1-800-518-4726 or send an email to support@grants.gov.

2. Registration Process.

You must COMPLETE the one-time registration process (all steps) before you can submit your first application through Grants.gov (See www.grants.gov/GetStarted). **We recommend that you start this process at least two weeks before the application due date.** It may take at least 14 days to complete the entire process. Use the Grants.gov Organization Registration Checklist at <http://www.grants.gov/assets/OrganizationRegCheck.doc> to guide you through the process. **IMPORTANT** During the CCR registration process, you will be asked to designate an E-Business Point of Contact (EBIZ POC). The EBIZ POC must obtain a special password called “Marketing Partner Identification Number” (MPIN).

PART V - APPLICATION REVIEW INFORMATION

A. CRITERIA

1. Initial Review Criteria.

Prior to a comprehensive merit evaluation, DOE will perform an initial review to determine that (1) the applicant is eligible for an award; (2) the information required by the announcement has been submitted; (3) all mandatory requirements are satisfied; and (4) the proposed project is responsive to the objectives of the funding opportunity announcement.

2. Merit Review Criteria.

- (60%) The potential of the requested equipment, instrumentation, modification or service (including, but not limited to, relicensing efforts and training) to:

- 1) enhance the performance, control or operational capability of reactor systems, or
- 2) increase the quality, safety/security, or efficiency of reactor facility operation; and/or
- 3) improve or expand the research and training capabilities of the reactor facility;

- (20%) Amount of student and faculty usage of the reactor facility, and the amount and variety of research and/or services actually provided by the reactor facility; and

- (20%) Reasonableness of the proposed costs of the equipment or instrumentation to achieve the proposed objectives.

(Current vendor quotations for the specific equipment or service are required prior to award and strongly encouraged for the review.)

3. Other Selection Factors.

The selection official will consider the following program policy factors in the selection process:

- Letters of support: Evidence of the academic institution's commitment to the continued operation of the nuclear reactor program as demonstrated by letters of support from the university administration; *Due to university reactors announcing decommissioning plans, an updated letter signed by a high-ranking university official (i.e. Vice-President) is strongly encouraged for the FY-06 application..*
- DOE's interest in providing support to as many nuclear reactor facilities as possible with the available funds.
- Priority will be given to institutions seeking re-licensing in the next two years.

- Priority may be given to non-INIE participants.

B. REVIEW AND SELECTION PROCESS.

1. Merit Review.

Applications that pass the initial review will be subjected to a merit review in accordance with the guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is available under Financial Assistance, Regulations and Guidance at <http://professionals.pr.doe.gov/ma5/ma-5web.nsf/?Open>.

2. Selection.

The Selection Official will consider the merit review recommendation, program policy factors, and the amount of funds available.

3. Discussions and Award.

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 10 CFR part 600; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES.

DOE anticipates notifying applicants selected for award by April 3, 2006, and making awards by June 1, 2006.

PART VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES.

1. Notice of Selection.

DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. (See Section IV.G with respect to the allowability of pre-award costs.)

Organizations whose applications have not been selected will be advised as promptly as possible. This notice will explain why the application was not selected.

2. Notice of Award.

A Notice of Financial Assistance Award issued by the contracting officer is the authorizing award document. It normally includes, either as an attachment or by reference: 1. Special Terms and Conditions; 2. Applicable program regulations, if any; 3. Application as approved by DOE/NNSA.; 4. DOE assistance regulations at 10 CFR part 600, or, for Federal Demonstration Partnership (FDP) institutions, the FDP terms and conditions; 5. National Policy Assurances To Be Incorporated As Award Terms; 6. Budget Summary; and 7. Federal Assistance Reporting Checklist, which identifies the reporting requirements.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS.

1. Administrative Requirements.

The administrative requirements for DOE grants and cooperative agreements are contained in 10 CFR part 600 (See: <http://ecfr.gpoaccess.gov>), except for grants made to Federal Demonstration Partnership (FDP) institutions. The FDP terms and conditions and DOE FDP agency specific terms and conditions are located on the National Science Foundation web site at http://www.nsf.gov/awards/managing/fed_dem_part.jsp

2. Special Terms and Conditions and National Policy Requirements.

Special Terms and Conditions and National Policy Requirements.

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at <http://grants.pr.doe.gov>. The National Policy Assurances To Be Incorporated As Award Terms are located at <http://grants.pr.doe.gov>.

Intellectual Property Provisions.

The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at http://www.gc.doe.gov/techtrans/sipp_matrix.html.

Statement of Substantial Involvement.

Either a grant or cooperative agreement may be awarded under this program announcement. If the award is a cooperative agreement, the DOE Specialist and DOE Project Officer will negotiate a Statement of Substantial Involvement prior to award.

C. REPORTING.

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. Reports that will be required for this program are:

- **Yearly Progress Report**
- **Special Status Report**
- **Yearly Financial Report**
- **Final Financial Report**
- **Final Property Certification**
- **Final Report**

PART VII – QUESTIONS/AGENCY CONTACTS

A. QUESTIONS.

Questions regarding the content of the announcement must be submitted through the “Submit Question” feature of the DOE Industry Interactive Procurement System (IIPS) at <http://e-center.doe.gov>. Locate the program announcement on IIPS and then click on the “Submit Question” button. Enter required information. You will receive an electronic notification that your question has been answered. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. DOE/NNSA cannot answer these questions.

B. AGENCY CONTACT:

Kathleen Stallman
Kathleen.Stallman@Nuclear.Energy.Gov
FAX: (208) 526-5548
Telephone: (208) 526-7038

PART VIII - OTHER INFORMATION

A. MODIFICATIONS.

Notices of any modifications to this announcement will be posted on Grants.gov and the DOE Industry Interactive Procurement System (IIPS). You can receive an email when a modification or an announcement message is posted by joining the mailing list for this announcement through the link in IIPS. When you download the application at Grants.gov, you can also register to receive notifications of changes through Grants.gov.

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE.

DOE reserves the right, without qualification, to reject any or all applications received in response to this announcement and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. COMMITMENT OF PUBLIC FUNDS.

The Contracting Officer is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by other than the Contracting Officer, either explicit or implied, is invalid.

D. PROPRIETARY APPLICATION INFORMATION.

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

“The data contained in pages _____ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government’s right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL.

In conducting the merit review evaluation, the Government may seek the advice of qualified non-Federal personnel as reviewers. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal

reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM.

- Patent Rights. The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions. (See “Notice of Right to Request Patent Waiver” in paragraph G below.)
- Rights in Technical Data. Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE’s own needs or to insure the commercialization of technology developed under a DOE agreement.
- Special Protected Data Statutes. This program is covered by a special protected data statute. The provisions of the statute provide for the protection from public disclosure, for a period of up to ____ years {EPAAct – 5, SBIR – 4} from the development of the information, of data that would be trade secret, or commercial or financial information that is privileged or confidential, if the information had been obtained from a non-Federal party. Generally, the provision entitled, Rights in Data – Programs Covered Under Special Protected Data Statutes, (10 CFR 600 Appendix A to Subpart D), would apply to an award made under this announcement. This provision will identify data or categories of data first produced in the performance of the award that will be made available to the public, notwithstanding the statutory authority to withhold data from public dissemination, and will also identify data that will be recognized by the parties as protected data.

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER.

Applicants may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to

subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a waiver.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES.

Eligible activities under this program include those which describe and promote the understanding of scientific and technical aspects of specific energy technologies, but not those which encourage or support political activities such as the collection and dissemination of information related to potential, planned or pending legislation.

